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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Steele, *et al*

Docket No.: ISAA0013

Serial No. : 09/852,776

Art Unit: 2173

Filed: 09 May 2001

Examiner: Hailu, Tadesse

Title: METHODOLOGY FOR VIEWING LARGE STRATEGIES VIA A COMPUTER WORKSTATION

March 25, 2004

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

APR 13 2004

Technology Center 2100

**Declaration of prior invention to overcome cited patent or publication pursuant to
37 CFR 1.131**

1. My name is Michael Steele.
2. I have reviewed the following document cited by the Examiner: Card *et al* (U.S. 6,646,652 B2) filed Dec. 21, 2000.
3. The claimed subject matter of my invention is not what is claimed in the above-cited reference.
4. The earliest filing date of the above-cited reference is Dec. 21, 2000. The conception of the claimed subject matter of my invention occurred prior to the specified date of said reference and was coupled with due diligence from prior to said reference date to the filing of the above mentioned application. In support of this, I have attached documents, Exhibits A-L below:

Exhibit A.

Inventors' white paper: Project Planet: Efficiency Display of Large Strategies.

Dated: August 15, 2000

A white paper describing and showing conception of the invention. It is a major part of the disclosure used for drafting the patent application.

Exhibit B.

Correspondence between client and patent attorney of record via email.

Dated: September 12, 2000

The email clearly shows discussion of the invention directed to the filing a patent application, as it refers to an Invention Disclosure Form (IDF), which the inventors completed for submitting the invention for patent protection.

Exhibit C.

A Completed Invention Disclosure Form.

Dated: prior to October 3, 2000 (refer to Exhibit D hereinbelow)

As mentioned herein above, the IDF shows clear conception of the invention. It also shows due diligence in that the inventors are going forward with the steps in obtaining patent protection.

Exhibit D.

Correspondence between client and patent attorney via email.

Dated: October 23, 2000

The email refers to a phone conference on 10/3/00 related to obtaining patent protection for the invention. Hence, this exhibit shows evidence of a phone conference between at least one of the inventors, Stuart Crawford, and the patent attorney. The email also refers to a prior art search for the invention. The email also refers to mentioning the IDF during the 10/3/00 phone conference, which, therefore, is evidence that the IDF of Exhibit C hereinabove was written on or before 10/3/00.

Exhibit E.

A Prior Art Search Letter.

Dated: November 6, 2000

The letter is from the patent attorney to the client. It states the results of the prior art search. The conclusion was that the invention appeared novel and should be entitled to patent protection.

Exhibit F.

A letter from patent attorney to client.

Dated: November 20, 2000

Enclosed with the letter is a copy of a patent per request of the client. This is evidence that client is pursuing patent protection and is undergoing the activity of analyzing possible prior art.

Exhibit G.

Correspondence between client and patent attorney via email.

Dated: December 5, 2000

The correspondence discusses a future meeting to discuss the results of the inventors having completed their review of the prior art.

Exhibit H.

Correspondence between client and patent attorney via email.

Dated: February 13, 2001

The email refers to the patent attorney beginning the draft in early December.

Exhibit I.

Correspondence between inventor and patent attorney's staff member via email.

Dated: March 7, 2001

The email mentions that the inventor has received the draft and refers to a future meeting to discuss the draft. The photocopy all shows a post-it whereupon the staff is undergoing the activity of attaining inventor addresses and signatures.

Exhibit J.

Correspondence between client and patent attorney's staff member via email.

Dated: April 2, 2001

The purpose of the email is to schedule a meeting related to the patent application between the inventors and the patent attorney.

Exhibit K.

A copy of a post-it made by an administrator of the patent attorney's staff to the docketing administrator of the patent attorney's staff.

Dated: April 10, 2001

The post-it requests that the docketing administrator enter into the docketing system that the patent administrator mailed out a copy of the latest draft to the client.

Exhibit L.

Correspondence between patent attorney's staff member and client via email.

Dated: May 7, 2001

The content of the email concerns approval of the last revision of the patent application for filing.

5. The above-cited application was subsequently filed on May 9, 2001.

6. I am the one of the inventors. I am also one of the authors of the main white paper of Exhibit A, which was used in the present patent application. Said document contains a description of the invention. All other documents are evidence of due diligence from conception to the filing of the present application.

7. The above supporting facts show the conception of the invention prior to the effective date of said reference coupled with due diligence from prior to said date to the filing of the above-cited application.

8. I herein acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. 1001) and may jeopardize the validity of my application or any patent issuing thereon. All statements made of my own knowledge are true and all statements made on information or belief are believed to be true.

Michael J. Steele
Michael Steele,
Declarant

March 29, 2004
Date